

**CITY COUNCIL AGENDA**  
**REGULAR MEETING**  
**WEDNESDAY FEBRUARY 19, 1997**

<b>Morgan Hill Civic Center</b>	<b>Interim Mayor</b>	<b>Dennis Kennedy</b>
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<b>Council Chambers</b> <b>17555 Peak Avenue</b> <b>Morgan Hill, California 95037</b>	<b>Interim Mayor Pro Tempore</b> <b>Councilmember</b> <b>Councilmember</b>	<b>Bev E. Freeman</b> <b>Hedy L. Chang</b> <b>Cynthia J. Cook</b>
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**6:00 P.M.**

**CALL TO ORDER**  
**(Interim Mayor Kennedy)**

**CLOSED SESSION**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

Title of Employee:	City Manager
Legal Authority:	Government Code Section 54957

**CONFERENCE WITH LABOR NEGOTIATOR:**

Agency Negotiators:	David Jinkens, William Avery, LeeAnn Kazezski
Employee Organization:	Morgan Hill Police Officers Association
Legal Authority:	Government Code 54957.6(a)

**7:00 P.M.**

**ROLL CALL ATTENDANCE**  
**(City Clerk Torrez)**

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

**(City Clerk Torrez)**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

*Certificate of Recognition*  
Honoring Specialized Bikes  
Mike Sinyard

**INTRODUCTIONS**

Richard Foye  
Police Officer

**CITY COUNCIL REPORT**

*City Events*  
Interim Mayor Pro Tempore Freeman

**CITY MANAGER'S REPORT**

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Interim Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

**CONSENT CALENDAR:** The Consent Calendar, Agenda Items #1 through #11 may be acted upon with one motion, a second and the vote.

1. **JANUARY CITY TREASURER'S REPORT**  
**Recommended Action:** Accept and File Report.
2. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM QUARTERLY REPORT**  
**Recommended Action:** Accept Report by Minute Action.
3. **ACCEPTANCE OF THE CONTRACT FOR THE STREET CRACK SEALING -- 1996 PROJECT**  
**Recommended Action:** 1) Accept as Complete the Street Crack Sealing -- 1996 Project in the Final Amount of \$25,141; and 2) Direct the City Clerk to File the Attached Notice of Completion with the County Recorder's Office.
4. **AWARD OF CONTRACT FOR CONSTRUCTION OF THE HOLIDAY LAKE ESTATES WATER RESERVOIR NO. 1 ROOF REPLACEMENT**  
**Recommended Action:** 1) Appropriate \$160,000 from the Unappropriated Water Operations Fund Balance for this Project; and 2) Award Contract to Ferdous Construction for the Construction of Holiday Lake Estates Water Reservoir No. 1 Roof Replacement in the Amount of \$100,000.
5. **REAPPROPRIATION OF FUNDS FOR SUPPLEMENTAL IMPROVEMENT AGREEMENT WITH LARRY WILLARD - TRACT 8809**  
**Recommended Action:** Appropriate \$46,366 from the Unappropriated Traffic Impact Fee Balance Fund and \$52,091 from the Unappropriated Sewer Operations Fund Balance to Fund This Cooperative Project.
6. **RESOLUTION CONTINUING LOCAL EMERGENCY**  
**Recommended Action:** Adopt Resolution Continuing the Proclamation of the Existence of a Local Emergency.

7. **APPLICATION SD-96-15: HILL-ALOSI**  
**Recommended Action: Take No Action**, thereby concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.
8. **SUBDIVISION APPLICATION SD-96-07: EDMUNDSON-POWELL (APN 767-21-017)**  
**Recommended Action: Take No Action**.
9. **MID YEAR BUDGET ADJUSTMENTS**  
**Recommended Action: Approve** Mid-year budget Adjustments.
10. **APPROVAL OF REGULAR MEETING MINUTES OF JANUARY 15, 1997**
11. **APPROVAL OF REGULAR MEETING MINUTES OF FEBRUARY 5, 1997**

**ROLL CALL VOTE:** The Roll Call Vote, Agenda Item # 12 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required.  
(Government Code Section 36934)

12. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1320, N.S.** -- an Ordinance of the City Council of the City of Morgan Hill Amending Section 1.24.010, Chapter 1.24, Title 1, of the Morgan Hill Municipal Code, to Include Every Section of the Municipal Code Which Is Considered a Misdemeanor. This Ordinance Adds Section 1.24.010(e) to Allow the City Attorney to Reduce Violations of Chapters 9.04, 15.08, 15.12, 15.16, 15.20, 15.24 and 15.56 from Misdemeanors to Infractions. This Ordinance Also Amends Sections 5.08.220, 6.08.030, 6.36.300, 8.24.030, 8.28.050, 9.04.040, 9.14.050, 12.04.020, 12.08.150, 12.12.180, 12.16.150, 12.28.130, 13.04.340 and Adds Sections 6.28.060 and 18.42.260 to Be Consistent with the Penalty Provisions Set Forth in Section 1.24.010, as Amended.

**LEGALLY NOTICED PUBLIC HEARINGS:**

13. **APPEAL OF PLANNING COMMISSION DENIAL OF USE PERMIT APPLICATION UP-96-11: RAILROAD-CRIST/WILLIAMS (APN 726-04-005, 006)**  
**Recommended Action:** Request staff presentation.  
The Interim Mayor will reconvene the Public Hearing.  
Please limit your remarks to 3 minutes. The Interim Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to deny the Use Permit affirming the decision of the Planning Commission; and  
Action - Motion to adopt Resolution with Findings in Support of Such Denial;  
**OR**  
Action - Motion to approve the Use Permit Reversing the Decision of the Planning Commission; and  
Action - Motion to adopt Resolution with Findings in Support of the Approval.
14. **ZONING AMENDMENT APPLICATION ZA-96-07 AND DEVELOPMENT AGREEMENT APPLICATION DA-96-02: EDMUNDSON-POWELL (APN 767-21-017)**  
**Recommended Action:** Request staff presentation.  
The Interim Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Interim Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to adopt Mitigated Negative Declaration.  
Action - Motion to waive the first and second reading of the RPD ordinance;  
Action - Motion to introduce ordinance. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.  
Action - Motion to waive the first and second reading of the Development Agreement ordinance;  
Action - Motion to introduce ordinance. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

15. **APPLICATIONS: ZA-96-17; DA-96-05; HILL-ALOSI (APN 728-08-002)**

**Recommended Action:** Request staff presentation.

The Interim Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Interim Mayor will close the Public Hearing.

Council discussion.

Action - Motion to waive the first and second reading of the RPD ordinance;

Action - Motion to introduce ordinance. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

Action - Motion to waive the first and second reading of the Development Agreement ordinance;

Action - Motion to introduce ordinance. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

16. **ZONING AMENDMENT APPLICATION ZA 96-13: CITY OF MORGAN HILL-ZONING ORDINANCE CLEAN UP**

**Recommended Action:** Request staff presentation.

The Interim Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Interim Mayor will close the Public Hearing.

Council discussion.

Action - Discuss Recommended Code Changes.

Continue the Public Hearing to March 5, 1997.

**OTHER BUSINESS:**

17. **APPROVE AGREEMENT WITH SENTIENT SYSTEMS, INC. FOR THE FACILITATION OF THE CITY COUNCIL'S PERFORMANCE EVALUATION OF THE CITY MANAGER**

**Recommended Action:** Approve Agreement for Services with Sentient Systems, Inc.

18. **PROCEDURES FOR MAKING AN APPOINTMENT TO FILL AN UNEXPIRED TERM ON THE CITY COUNCIL**

**Recommended Action:** 1) Approve Procedures for Filling a Vacancy on the City council by Appointment; and  
2) Direct Staff to Open a Recruitment to Fill the Vacancy on the City Council.

19. **REQUEST FROM SANTA CLARA COUNTY FOR CONNECTION TO CITY TRUNK SEWER IN SAN MARTIN (APN 779-09-67 & 68)**

**Recommended Action:** Deny Request from Santa Clara County to Connect to the San Martin Family Living Center to the City's Trunk Sewer Line in San Martin.

20. **COUNCIL COMMITTEES & COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES**

**Recommended Action:** 1) Appoint Primary and Alternate Delegates from the City Council to Serve on Committees and Agencies, as Recommended by Staff in Exhibit A; and 2) Direct Staff to Open a Recruitment and Solicit Citizen Interest in Serving on the South County Joint Planning Advisory Committee.

21. **IMPROVEMENT AGREEMENT WITH RASP LIMITED PARTNERSHIP -- SAN PEDRO SELF-STORAGE AND EXTENSION OF BUTTERFIELD CHANNEL**

**Recommended Action:** 1) Authorize the City manager to Execute the Attached Improvement Agreement for the Construction of Off-site Improvements by RASP Limited Partnership for Construction of the San Pedro Self-Storage and the Extension of Butterfield Channel; and 2) Authorize the Recordation of the Improvement Agreement.

22. **ZONING AMENDMENT APPLICATION ZAA-94-20: EAST DUNNE-SIMONSEN**

**Recommended Action:** Take No Action, thereby Leaving the Requirement that the Dunne Avenue Median be Modified to Prohibit Left Turns from Laurel Road onto Dunne Avenue. Should the City Council Wish to Allow for Left Turns, Adoption of the Attached Resolution Would be Appropriate.

23. **REQUEST THAT THE CITY COUNCIL ENACT AN ORDINANCE REQUIRING ELECTIONS TO FILL COUNCIL VACANCIES**

**Recommended Action:** 1) **Direct** the City Attorney to Prepare an Ordinance Requiring an Election to Fill Council Vacancies; **OR** 2) **Take No Action**.

**CLOSED SESSION:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Legal Authority:	Government Code Section 54956.8
Property:	APN 767-01-035 & 767-01-033 Future Santa Teresa Right of Way
Negotiating Parties:	Property Owner: Rocke Garcia; Barton Hechtman, Esq. City of Morgan Hill: David Jinkens; Gary M. Baum; Richard Hoffman
Under Negotiation:	Instructions to Negotiators Regarding Price and Terms of Payment

**ADJOURNMENT:**

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Interim Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #13 through #16 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.